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Brian Cooper

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10/14/2005

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EXAMINER

RUTLEDGE, AMELIA L

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,782

Applicant(s)

COOPER ET AL.

Examiner

Amelia Rutledge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/28/05; 8/9/05.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This action is responsive to communications: Amendment filed 08/05/2005.
2. Claims 1-12 are pending. Claims 1, 7, and 10 are independent claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Escobar et al. (hereinafter “Escobar”), U.S. Patent No. 5,659,793 issued August 1997.**

Independent claim 1 cites: *An editing system comprising: a timeline interface having at least one interactive track for interactive content and at least one track for time-based media, wherein interactive content may be associated with a point in time on the at least one track for interactive content; and*

Escobar teaches a multimedia application development tool with a timeline interface with multiple timelines, i.e., tracks (Col. 4, l. 1-18) (Col. 6, l. 23-29). At least one timeline is dedicated to interactive objects (Col. 4, l. 17-18). Playback of objects on the timeline occurs in a time sequence indicated by their position on the timeline, resulting in time-based media.

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Claim 1 also cites: *means for allowing a user to place interactive content on the at least one interactive track according to a selection of whether the interactive content is associated with either a point in time with a locator object or a duration with a source clip object on the at least one interactive track.*

Escobar teaches the application of a time code to allow an edit point to be defined as a certain duration from a clearly delineated starting point for asset playback (Col. 8, l. 15-21). Escobar teaches that the user interface allows the user to associate properties with an object, including creating placeholder objects, and to assemble objects into applications with relative timing specified by their placement along the timeline tracks (Col. 6, l. 30-41).

Claim 2 cites: *The editing system of claim 1, further comprising: a bin for storing interactive content;*

Escobar teaches a bin for storing interactive content (Col. 6, l. 15-18).

means for importing interactive content into the bin such that interactive content in the bin is associated with a unique reference;

Escobar teaches a process of creating objects, where a bin is selected and properties are edited for the object by filling in a template (Col. 9, l. 20-45). Files are stored in industry standard format (Col. 7, l. 52-56). Because files are stored in industry standard format, it is inherent in the disclosure of Escobar that the file is associated with a unique reference, as industry standard format requires the unique identification of files.

wherein the means for allowing a user to place interactive content the at least one interactive track accesses the interactive content from the bin; and

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Escobar teaches a process by which the user views the contents of the bin and the user selects an icon from the bin for placement on the timeline, and selects the timeline track on which the icon is to be placed, then drags and drops the icon at the start time desired (Col. 10, l. 10-36).

means for updating information about the interactive content in the bin using the unique reference.

Escobar teaches a means of editing objects in the bin, making changes to the object, and saving the revised properties for the object (Col. 9, l. 45-63).

Claim 3 cites: *The editing system of claim 2, wherein the interactive content is a trigger element and the unique reference includes a file name for a trigger file including a description of the trigger element and a unique identifier of the trigger element.*

Escobar teaches the creation and use of program objects, i.e., trigger files, to perform a variety of functions, which can be dragged and dropped onto interactive tracks (Col. 8, l. 29-67). The objects are stored and edited in the same manner as other objects stored in the bins. Escobar also teaches a method for storing a pointer to objects dropped on the timeline so that memory can be accessed to obtain the records referenced by the pointers at runtime (Col. 10, l. 24-26, l. 37-45).

Claim 4 cites: *The editing system of claim 2, wherein the interactive content is a document and the unique reference includes a file name for the document.*

Escobar teaches the creation of graphics or text overlay assets, i.e., documents with a graphic/text editor (Col. 9, l. 64-Col. 10, l. 9). Escobar teaches that files are stored in industry standard format (Col. 7, l. 52-56). Because files are stored in industry standard

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format, it is inherent in the disclosure of Escobar that the file is associated with a file name, as industry standard format requires the naming of files.

Claim 5 cites: *The editing system of claim 1, further comprising: a bin for storing interactive content; means for importing interactive content into the bin such that information about the interactive content is stored in the bin; wherein the means for allowing a user to place interactive content the at least one interactive track stores information about the interactive content as an attribute of the object used for the interactive content.*

Escobar teaches a bin for storing interactive content (Col. 6, l. 15-18). Escobar teaches a process of creating objects, where a bin is selected and properties are edited for the object by filling in a template, so that information about the content is stored in the bin (Col. 9, l. 20-45). Fig. 6 of Escobar discloses timeline management where a data structure is associated with each timeline track; the structure is a linked list, and each entry in the list points to another data structure, which contains the information necessary to execute the object on the timeline (Col. 11, l. 30-35). This data structure stores information about the object as an attribute.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Escobar in view of Nagasaka et al. (hereinafter "Nagasaka"), U.S. Patent No. 6,195,497 issued February 2001.

Claim 6 cites: *The editing system of claim 1, wherein interactive content includes display information indicating information to be displayed with the video and a specification of size and position of the video, and the editing system further comprising: means for playing back the program specified by the timeline interface including: means for accessing the specification of the size and position of the video for the interactive content corresponding to a point in time in the program; and*

Escobar teaches a multimedia application development tool, which includes graphics or text overlays, i.e., information to be displayed with video (Col. 8, l. 64-Col. 10, l. 9).

Escobar teaches a means for playing back the program created with the timeline with an intelligent terminal or set top box or digital entertainment terminal (Col. 12, l. 16-Col. 15, l. 26). Escobar teaches a graphics display generator and video RAM that manipulate different planes of active video information (Col. 13, l. 35-Col. 14, l. 4).

Escobar does not explicitly teach *means for accessing the specification of the size and position of the video for the interactive content corresponding to a point in time in the program*, however, Nagasaka teaches a video retrieval method in which an object-oriented data structure stores information about the video including size and position of video elements (Col. 7, l. 33-60), i.e., a specification. The object orient data structure taught by Nagasaka corresponds to the x – y axis of the video frame plane and the time t, therefore storing size, position relative to time. It would have been

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obvious to one of ordinary skill in the art at the time of the invention to apply Nagasaka to Escobar, providing Escobar the benefit of enabling a user to freely and easily make associated video retrievals from index information.

Claim 6 also cites: *means for displaying the video and the display information of the interactive content according to the specification and the point in time in the program.*

Escobar does not explicitly teach a means for displaying the video and display information according to the specification and the point in time in the program, however, Nagasaka teaches a video playback and display portion of the video retrieval method, which handles playback for the monitor (Col. 7, l. 60-Col. 8, l. 5). The video playback and display portion operates in conjunction with an object management portion which manages the object-oriented data structure which contains the size and position information. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Nagasaka to Escobar, providing Escobar the benefit of enabling a user to freely and easily make associated video retrievals from index information.

Independent claim 10 cites: *An editing system comprising: a timeline interface for specifying a program having at least one interactive track for interactive content and at least one track for video, wherein interactive content may be associated with a point in time on the at least one interactive track;*

Escobar teaches a multimedia application development tool with a timeline interface with multiple timelines, i.e., tracks (Col. 4, l. 1-18) (Col. 6, l. 23-29). At least one timeline is dedicated to interactive objects (Col. 4, l. 17-18). Playback of objects on the

timeline occurs in a time sequence indicated by their position on the timeline, resulting in time-based media. Escobar teaches the application of a time code to allow an edit point to be defined as a certain duration from a clearly delineated starting point for asset playback (Col. 8, l. 15-21). Escobar teaches that the user interface allows the user to associate properties with an object, including creating placeholder objects, and to assemble objects into applications with relative timing specified by their placement along the timeline tracks (Col. 6, l. 30-41).

Claim 10 also cites: *means for allowing a user to place interactive content on the at least one interactive track, wherein interactive content includes display information indicating information to be displayed with the video and a specification of size and position of the video; and*

Escobar teaches a process by which the user views the contents of the bin of interactive content and the user selects an icon from the bin for placement on the timeline, and selects the timeline track on which the icon is to be placed, then drags and drops the icon at the start time desired (Col. 10, l. 10-36). Escobar teaches a multimedia application development tool, which includes graphics or text overlays, i.e., information to be displayed with video (Col. 8, l. 64-Col. 10, l. 9).

Escobar does not explicitly teach that the interactive content includes a specification of size and position of the video, however, Nagasaka teaches a video retrieval method in which an object-oriented data structure stores information about the video including size and position of video elements (Col. 7, l. 33-60), i.e., a specification. The object orient data structure taught by Nagasaka corresponds to the x – y axis of the

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video frame plane and the time t , therefore storing size and position relative to time. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Nagasaka to Escobar, providing Escobar the benefit of enabling a user to freely and easily make associated video retrievals from index information.

Claim 10 also cites: *means for playing back the program specified by the timeline interface including: means for accessing the specification of the size and position of the video for the interactive content corresponding to a point in time in the program; and means for displaying the video and the display information of the interactive content according to the specification and the point in time in the program.*

Escobar does not explicitly teach a means for accessing and displaying the video and display information according to the specification and the point in time in the program, however, Nagasaka teaches a video playback and display portion of the video retrieval method, which handles playback for the monitor (Col. 7, l. 60-Col. 8, l. 5). The video playback and display portion operates in conjunction with an object management portion, which manages the object-oriented data structure, i.e. specification, which contains the size and position information. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Nagasaka to Escobar, providing Escobar the benefit of enabling a user to freely and easily make associated video retrievals from index information.

Claim 11 cites: *The editing system of claim 10, further comprising: means for allowing a user to select interactive content;*

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Escobar teaches a means for a user to select an object of interactive content from a bin using icons (Col. 10, l. 10-36).

means for launching an authoring tool corresponding to the selected interactive content, and for causing the authoring tool to access and open for editing the selected interactive content.

Escobar teaches a software architecture which launches the authoring tool (Fig. 3, Col. 7, l. 57-65), and a development environment utilized to create interactive multimedia applications (Col. 7, l. 17-29). The tool is used to access and open the interactive content.

Claim 12 cites: *The editing system of claim 10, further comprising: means for allowing the user to place time-based media on a track using one of a source clip object and a locator object; and*

Escobar teaches a method of placing an icon on a selected timeline track at a desired start time (Col. 10, l. 15-36). The icon represents an object, which may be an edited section of raw video, i.e., a source clip object (Col. 9, l. 46-63). A pointer to the object identified by the icon on the timeline track is then stored in a linked list for the selected timeline track at a location determined by its start time (Col. 10, l. 24-26), therefore the pointer is a locator object.

means for allowing the user to perform editing operations that affect source clip objects and locator objects, whereby interactive content and time-based media are edited in the same manner to maintain synchronization.

Escobar teaches that objects may be created to permit easy manipulation of portions of an asset during creation of a specific application, while other objects are more functional and may be reused. Escobar discloses video objects, audio objects, text/graphical objects, special effects, program objects and applications (Col. 6, l. 52-61). The user performs editing operations in a work space where currently selected objects may be displayed and edited (Fig. 1, Col. 6, l. 6-29). Escobar teaches that the objects are edited in the same manner (Col 9, l. 20-Col. 10, l.35).

7. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Escobar as applied to claims 1-5 above, and further in view of Kanda, U.S. Patent No. 6,324,335 issued November 2001.

Amended independent claim 7 cites: *An editing system comprising: a timeline interface for specifying a program having at least one interactive track for interactive content and at least one track for time-based media, wherein interactive content may be associated with a point in time on the at least one interactive track;*

Escobar teaches a multimedia application development tool with a timeline interface with multiple timelines, i.e., tracks (Col. 4, l. 1-18) (Col. 6, l. 23-29). At least one timeline is dedicated to interactive objects (Col. 4, l. 17-18). Playback of objects on the timeline occurs in a time sequence indicated by their position on the timeline, resulting in time-based media. Escobar teaches the application of a time code to allow an edit point to be defined as a certain duration from a clearly delineated starting point for asset playback (Col. 8, l. 15-21). Escobar teaches that the user interface allows the user to

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associate properties with an object, including creating placeholder objects, and to assemble objects into applications with relative timing specified by their placement along the timeline tracks (Col. 6, l. 30-41).

a bin for storing interactive content;

Escobar teaches a bin for storing interactive content (Col. 6, l. 15-18).

means for importing interactive content into the bin such that interactive content in the bin is associated with a unique reference;

Escobar teaches a process of creating objects, where a bin is selected and properties are edited for the object by filling in a template (Col. 9, l. 20-45). Files are stored in industry standard format (Col. 7, l. 52-56). Because files are stored in industry standard format, it is inherent in the disclosure of Escobar that the file is associated with a unique reference, as industry standard format requires the unique identification of files.

means for allowing a user to place interactive content selected from the bin on the at least one interactive track; means for allowing a user to edit placement of the interactive content on the at least one interactive track and

Escobar teaches a process by which the user views the contents of the bin and the user selects an icon from the bin for placement on the timeline, and selects the timeline track on which the icon is to be placed, then drags and drops the icon at the start time desired (Col. 10, l. 10-36). While Escobar teaches the creation of an item of interactive content from the bin and means for placement on the interactive track, Escobar does not explicitly teach means for a user to subsequently edit placement on the interactive track. However, Kanda teaches a video editing system with a timeline mode which allows a

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user to edit placement of a video clip, i.e., interactive content, on the timeline track by including a video edit area as a timeline track (Col. 14, l. 26-61; Fig. 5). Kanda's disclosure allows the user to edit both length and position of a video clip.

*means for updating information about the interactive content in the bin using the unique reference **in response to editing of the placement of the interactive content on the at least one interactive track.***

Escobar teaches a means of editing objects in the bin, making changes to the object, and saving the revised properties for the object (Col. 9, l. 45-63). It is inherent in the disclosure of Escobar that accessing the object in the bin would require using a unique reference. Escobar teaches updating information about the interactive content in the bin when a content item is placed on the timeline track (Col. 10, l. 15-35). While Escobar does not explicitly teach editing placement on the interactive track after creation, Kanda teaches editing the placement of the content on the track as described above. Both Escobar and Kanda are directed toward video editing systems. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Kanda to Escobar so that the user would have the benefit of an editing system capable of high speed real time edition and having improved usability (Kanda, Col. 1, l. 44-46).

Regarding dependent claims 8 and 9, claims 8 and 9 reflect the same concepts described in the editing system as claimed in claims 3 and 4, and are rejected along the same rationale.

Response to Arguments

8. Applicant's arguments filed 08/05/2005 have been fully considered but they are not persuasive. Regarding claim 1, applicant argues (Remarks, p. 6-7) that Escobar does not teach the limitation *means for allowing a user to place interactive content on the at least one interactive track according to a selection of whether the interactive content is associated with either a point in time with a locator object or a duration with a source clip object on the at least one interactive track*. Escobar does teach that the user interface allows the user to associate properties with an object, including creating placeholder objects, and to assemble objects into applications with relative timing specified by their placement along the timeline tracks (Col. 6, l. 30-41). Escobar's method of placing objects to associate them with a point in time is equivalent to a locator object, because both are specified by a point in time on the time line.

9. Regarding claims 6 and 10-12, applicant argues (Remarks, p. 7-8) that Nagasaka teaches the size and position of subject matter within the video rather than the size and position of the video itself. To clarify, Nagasaka teaches both specifying the size and temporal position of the video as well as that of the subject matter within the video. Nagasaka teaches, in the referenced passages of the Office Action (p. 8, l. 19-p. 9, l. 1), a video retrieval method in which an object-oriented data structure stores information about the video including the x – y axis of the video frame plane and the time t, therefore storing size and position of the video relative to time (Nagasaka, Col. 7, l. 33-60). This teaches the limitation of claim 10 *a specification of size and position of the video*.

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10. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine the references came from the knowledge generally available to one of ordinary skill in the art. It is the examiner's opinion that one of ordinary skill in the art would have been motivated to Combine Escobar and Nagasaka because both inventions were directed to video and because the practice of indexing video was well known in the art at the time of the invention.

11. Applicant's arguments with respect to amended claim 7 have been considered but are moot in view of the new ground(s) of rejection. The new grounds of rejection includes the Kanda patent, which is being relied upon to teach the newly claimed limitation "*means for allowing a user to edit placement of the interactive content on the at least one interactive track*".

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amelia Rutledge whose telephone number is 571-272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AR

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
10/12/2005